

IN SENATE OF THE UNITED STATES.

JUNE 3, 1836.

Read, and ordered to be printed.

Mr. GOLDSBOROUGH made the following

REPORT,

WITH SENATE BILL NO. 225.

The Committee on Commerce, to whom was referred the "bill for the employment of boys in the merchant service of the United States," return the same to the Senate, with amendments, accompanied by the following report:

The obvious design of the "bill to employ boys in the merchant service of the United States," as a school for seamen, will, at once, command the approbation of all, as the best plan of increasing the number of native American seamen; and as it not only provides the means of serving the great navigating and commercial interests of the country, but supplies and strengthens the navy of the United States, which is justly regarded as the right arm of our national defence. A measure that seems thus calculated to promote the prosperity and security of our country, we ought to desire to foster and carry into effect by every practicable means; and so far as it may tend to produce an abundant and ready supply of native American seamen to carry on our extending commerce, or to provide for its defence, it urges us to every exertion to furnish that supply, and to provide for their instruction, as well as to afford them all due encouragement and protection from first to last.

In reflecting upon the best mode of carrying this design into effect, the committee have found more difficulties to be encountered than they were at first aware of, some of which they beg leave to state.

The obligation to employ boys in our trading vessels, to be effectual, must be coercive, because, if it tended to the immediate advantage of navigators and owners to employ them, it would be done uniformly without law. Hence it is to be inferred that all coercion to employ boys must, in a degree, act as a tax upon navigation, and a resort to such a measure, for objects however meritorious, would seem to require some consideration. The committee not having at hand the ready means to ascertain with sufficient exactness how onerous this coercion might prove, feel some hesitation in prescribing a measure of tax to be imposed upon one interest of the country for the benefit of the whole.

The bill also confines the employment of boys to vessels employed in foreign commerce alone, and the number to be attached to each one is prescribed by the rate of tonnage.

A question may arise, If this is a tax on navigation, whether the coasting trade ought not, in some degree, to participate in the burden, as it enjoys a full portion of the benefits? and if so, how far? The coasting trade is an admirable branch of the system of instruction in seamanship, as well as a source of lucrative enterprise, and as it is rapidly augmenting, keeping pace with the wonderful growth of the country, it may be worthy of inquiry how far this branch of our navigation should be made subject to this tax.

To require that boys should be hired for one or more voyages, of the age prescribed, (not less than fourteen years old,) or that they should be bound by indentures as apprentices to the sea service, without some precautionary provisions in either case, as to their instruction, treatment, or proper extrication from such apprenticeship in case of need, would not comport with the parental care of a popular Government towards the children of its citizens, a portion of whom might be destitute and friendless. Such employment might certainly train boys up to fit them for a useful, and, probably in many instances, a distinguished profession; but the rights and the proper instruction of these adult citizens ought to be guarded and provided for, and a fit course of treatment secured to them; and in defect of either, they should be enabled to procure a release from a condition where the humiliation and suffering might be greater than the instruction, or where even instruction itself might be obtained at too dear a rate.

No doubt can be entertained that a great many poor boys might be well supplied with good occupation, and placed in a line of preferment by this plan; but it would seem to be right that there should be some known, regular, and sufficient tribunal for initiating these destitute youths into a profession where they are to be subject, for a considerable time, to the control of individuals who may take little other interest in them than that of promoting their own.

To engage at once to draw up an apprentice system for the navigating service of the country, to say nothing of the difficulty and probably hazardous character of the undertaking, would require a fuller and more intimate acquaintance with the subject generally, as well as more time and reflection, than the committee find they have now at their command. A variety of inquiries are suggested in the course of their reflections upon this subject, which seem to grow in number as the reflections are indulged; nor can they dismiss or adopt them without more satisfactory information and further consideration. A few of these may be worthy to be mentioned—such as, whether bounties or coercive penalties would be the most fit and conducive means to ensure the employment of boys; whether apprentices should be exempt from hospital contributions; whether a penalty ought to be imposed upon masters for suffering apprentices to quit their service; what tribunal, if any, should decide upon complaints between masters and apprentices; whether apprentices should be permitted to enter the naval service, and if so, upon what terms. These and various other suggestions seem to grow out of the subject.

In entering upon these interesting inquiries, therefore, the committee not only find themselves engaged in a matter of vast national interest and

concern, but they feel that they must be employed also in the arrangement of a system of tutelage and education for young seamen, on the soundness of which the whole success of the design may ultimately depend.

In collecting information to guide them, the committee have held a correspondence upon the subject confided to them, so far as to learn the opinions of some of the boards of trade and chambers of commerce in our larger cities, which opinions they find in general to concur in the object of the bill, with certain modifications. As the individuals constituting these boards of trade and chambers of commerce are men of the highest intelligence and sagacity, long professionally versed in commerce and navigation, their opinion is not only entitled to great respect in consequence of the source from which it flows, but it is fair to regard it as indicative of what a more expanded expression would unfold. This correspondence is hereto annexed, and the committee think it will be considered as an important part of this report.

With every disposition to further the design of cherishing and promoting the commerce and navigation of the country, and, above all, of supplying its navy with an increased body of accomplished native American seamen, adequate to all exigencies, the committee have, for the present, suggested such amendments to the bill referred to them as they think ought to be added, in case it should become a law. But with the views which the committee have been induced to entertain from the consideration which they have given to this important subject, they feel that a sense of duty in a matter of such multiplied, extended, and abiding concern, both private and national, rather directs them to submit most respectfully to the Senate that the bill should not be passed at the present session of Congress, but that they order that it shall be printed, with the amendments, accompanied by this report, and the correspondence referred to, for the consideration of that portion of the people of the United States who may take an interest in the measure.

The committee hope by this means that the subject thus presented to the nation will receive merited attention, and cause it to be fully reflected on and digested by those most competent to judge, and most interested in the plan; and that all the light which professional experience can shed on it will be imparted to Congress by their next session, when the subject can be examined much more satisfactorily, and acted on with a better prospect of success. Nor will this probably retard the bill in its progress, as the committee never designed to recommend that a measure so important and so directly affecting the navigating interest, should take effect earlier than the fourth of March, eighteen hundred and thirty-seven.

JUNE 3, 1836.

Reported, with amendments, viz : Strike out the words within [brackets] and insert those printed in *italics*.

A BILL to provide for the employment of boys in the merchant vessels of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the day of next, every registered vessel of the United States of the burden of two hundred tons, and not exceeding two hundred and fifty, when bound on a voyage to any foreign port whatsoever, it shall be the duty of the master or owner or owners of said vessel to have on board, as a part of the crew to navigate said vessel, not less than one boy ; if over two hundred and fifty to five hundred tons, two boys ; and all vessels over five hundred tons, three boys : *and the age of every such boy shall be not less than fourteen years.*

SEC. 2. *And be it further enacted,* That the owner or owners or master of said vessel or vessels, are hereby authorized to take said boys as apprentices from their parents or guardians, on such terms and conditions as may be respectively agreed on between them ; or the owner or owners or master of said vessel may hire said boys from their parents or guardians at such monthly wages for the voyage as may be agreed on between them. [No boy in either or in any case to exceed sixteen years of age.] *Provided, all such agreements shall be in writing and voluntarily signed by the boy to be bound ; in and by which instrument, as well as by law, the employer or employers shall be bound and obligated to teach such boy the art of seamanship, to instruct him in good morals, to treat him kindly and with humanity in sickness and in health, and to do and perform whatever belongs to the duty of a faithful master, who stands in the place of a parent.*

SEC. 3. *And be it further enacted,* That no contract entered into as aforesaid, shall have any binding force upon any such boy, unless he voluntarily subscribes the same, upon a full knowledge of its contents, and is furnished with one part thereof, fully executed by all parties, to be kept and held by him for his own protection. And upon violation of such contract, or of the duties imposed by this act, any such boy thereby bound may, on complaint made by him or by any one in his behalf, be discharged therefrom by any judge of any court of the United States, or by any tribunal in any State, authorized by the laws of such State to discharge apprentices or boys bound to service, from such service ; and if such boy, so discharged, shall be in a port or place where his parent or guardian does not reside, or where he has no home, the court ordering his discharge may also order and decree suitable provision for his return, at the expense of the vessel on board of which he has served ; and may issue process to detain the same, or the master thereof, until such provision is made. And if, in the event that it shall be deemed necessary to the ends of justice, it may require the master of the vessel, at his expense, to procure the attendance of witnesses, that there may be a full disclosure of the facts in all such cases ; and if the master or any other person shall molest or hinder any such boy, or person in his behalf, if he desires it, from making such complaint, he shall, upon conviction thereof before any court com-

petent to hear and determine the same, be fined not exceeding the sum of or imprisoned, or both, as the ends of justice may require. And if any such boy shall, on his part, violate such contract, or be guilty of misconduct, he may, on application of the person or persons to whom he is bound, be discharged by any such tribunal aforesaid, in the district or State where his parents or guardian lives: Provided, such parent or guardian has had reasonable notice of such application, and a suitable opportunity to appear and sustain the rights of such boy.

SEC. [3.] 4. *And be it further enacted, That no registered vessel of the description herein mentioned, shall be permitted to clear from any custom-house of the United States for a foreign port, until the master, owner, or owners, shall exhibit to the collector satisfactory proof that said owner or owners or master or masters have engaged the number of boys of the age required by this act for the intended voyage.*

SEC. [4.] 5. *And be it further enacted, That if any master, owner, or owners shall permit his or their vessel to depart for any foreign port from the United States without having complied with the provisions of this act, the said master, owner, or owners, shall be fined in the sum of three hundred dollars, to be recovered in the usual manner as other fines and forfeitures are recovered under the laws of the United States.*

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The Board of Trade of the city of Baltimore have perceived with great satisfaction the introduction into Congress of a "bill to encourage the employment of boys in the vessels of the United States."

The merchants of Baltimore have frequently experienced great inconvenience, and sometimes have been subjected to expensive and injurious delays in their mercantile operations, in consequence of the scarcity of seamen. The proposed measure, in the opinion of your memorialists, will not only greatly increase the number of this valuable class of men, but by affording to them the advantage of early education and long training in their profession, will render them far more efficient, and will raise up a body of skilful seamen, who, in time of peace, will be sufficient for the supply of the merchant service, and, in the event of war, will prove an important auxiliary to the navy of the United States.

Your memorialists therefore beg leave respectfully to urge the adoption of this measure.

By order of the Board of Trade :

HENRY THOMPSON,
President.

PHILADELPHIA, May 9, 1836.

SIR : At the receipt of the communication with which you have honored me, covering the copy of a printed bill before the Congress of the

United States to encourage the employment of boys in the vessels of the United States, which came to hand on the evening of the 6th instant, I was confined to the house, suffering under considerable bodily pain; so that an intention to bring the subject before the Philadelphia Chamber of Commerce was not practicable until 1 o'clock, P. M., this day. The chamber, then in session, unanimously passed a resolution, (an authenticated copy of which I have the honor herewith to enclose,) expressive of the entire approbation of every part of the bill, with the suggestion of such an addition to the third section as makes provision for a contingency, which being merely precautionary, cannot possibly affect the merits of the bill.

With sentiments of the highest respect and esteem, &c.

ROBERT RALSTON,

President of the Philadelphia Chamber of Commerce.

The Hon. R. H. GOLDSBOROUGH.

At a meeting of the Philadelphia Chamber of Commerce, held the 9th day of May, 1836, it was

Resolved, That the bill now before the Congress of the United States, (H. of R. No. 589,) "to encourage the employment of boys in the vessels of the United States," meets with the hearty concurrence of the Chamber of Commerce of Philadelphia, and that the President of the Chamber be requested to take such measures as he may deem expedient to promote the passage of the bill, but that he suggests an amendment to the third section, as follows: "*Provided*, That the said master, owner, or owners, shall give satisfactory proof that they could not procure boys except at such wages as would be required for able-bodied seamen."

True extract from the minutes:

JOHN VAUGHAN,

Secretary of the Chamber of Commerce.

CHAMBER OF COMMERCE,

NEW YORK, *May 18, 1836.*

SIR: The committee of the Chamber of Commerce to whom was referred your letter and the copy of a bill now before Congress "to encourage the employment of boys in the vessels of the United States," made a report this day, which was unanimously accepted; and by directions of the chamber I herewith transmit a copy of said report to you, as the fullest reply they can give to your inquiries.

At the same time, permit me to return you my thanks for your friendly communication to the chamber, and for the interest you have taken in the important matter embraced in the proposed bill.

I have the honor to remain,

Your obedient servant,

ROB. LENOX, *President.*

JACOB HARVEY, *Secretary.*

The Hon. R. H. GOLDSBOROUGH,

Washington.

The committee to whom was referred the letter of the honorable Robert H. Goldsborough, and the copy of the bill now before Congress "to encourage the employment of boys in the vessels of the United States," respectfully report :

That they have attentively considered the provisions of said bill, and are of opinion that it should be amended in several important particulars before it becomes a law of the United States.

In the first place, however, the committee beg leave to state that they are fully convinced of the great importance to the maritime force of this country, to devise some means to increase the number of efficient sailors, both as regards the mercantile interests, and, in case of necessity, the naval force of the Government. The commerce of the United States has become so extensive, and the flag of the country is so constantly exhibited in the most distant seas, it is absolutely necessary that every possible encouragement should be given to secure a full supply of seamen, not only for the daily demand of the merchant service, but also to protect our commerce, and for the defence of the country, in any emergency that may happen. On this subject there can be no difference of opinion, and therefore the main thing to be considered is, to point out the best practical plan for securing the advantages which are no doubt intended to be conferred or promoted by the bill.

The first section enacts that every vessel of the burden of 200 tons and not exceeding 250 tons, when bound on a *foreign* voyage, shall have on board one boy; over 250 tons and not exceeding 500 tons, two boys; and over 500 tons, three boys. Agreeably to this section, no vessels but those engaged in the *foreign* trade are obliged to have boys on board. Your committee are of opinion that it is a very great omission to leave out the *coasting* trade from the provisions of this bill, because they consider it quite as good a school, if not a better, than the foreign trade, for young seamen. There are many parents and guardians of children who would willingly consent to have them placed on board coasting vessels, but who would not consent to put them on board vessels engaged in the foreign trade. Besides, there is no reason why the coasting trade should be exempted from the performance of a duty which is intended ultimately to be a benefit to the marine of the whole country. Coasting vessels require good seamen, as well as vessels engaged in the foreign trade, and they should be called upon equally for the support of a school which is to serve both branches of our commerce.

Your committee, therefore, are of opinion that all vessels of 50 and not more than 250 tons, belonging to the United States, should have one boy on board; of 250 tons and not exceeding 500 tons, two boys; and over 500 tons, three boys.

The second section of the bill authorizes the owner or master of vessels to take boys as apprentices, or to hire them on such terms as may be agreed upon, from their parents or guardians. Your committee would here remark that, at present, owing to the defective nature of the laws regulating apprenticeship, it is very difficult for the owner or captain of a vessel to secure the services of apprentices, and they therefore think

that a general law relative to naval apprentices should be passed by Congress, in order to give a sufficient control to the masters of vessels to enable them so secure the services of those boys whom they engage as apprentices during the full term of their service. Without such a law it is to be feared that the good effects intended to be produced by this bill cannot be accomplished, and your committee therefore hope that it may accompany said bill.

The third section enacts that no vessel shall be permitted to clear from any port in the United States on a foreign voyage without having the number of boys on board prescribed by the first section ; and the fourth section levies a fine of three hundred dollars on any master or owner who permits his vessel to depart without having on board the number of boys above stated. Your committee cannot accede to the justice of this penalty which is to be levied on one particular branch of commerce for the benefit of the naval marine of the country. It obliges the owners or masters of vessels to provide themselves with a certain number of boys, but at the same time it gives them no authority to *procure* them. A master of a vessel may be very willing to take an apprentice or apprentices, and yet he may not be able to get any, and in such a case it would be very unjust to punish him for the non-performance of an impracticability ! It may be said that in England such a law is in force, and is complied with without difficulty. But the situation of the two countries is different—in England, where the *supply* of boys exceeds the *demand* for all branches of domestic trade, there is no difficulty in obtaining as many as are required, from the poorer classes, to become apprentices on board vessels. But in our country, where the *demand* is greater than the *supply*, from all mechanical trades, and where parents and guardians are generally adverse to sending children to sea, it would be attended with difficulty to insist upon it as a duty enforced by a penalty, that all the vessels engaged in trade should be furnished with boys.

The best school for the navy is certainly the merchants' service—but the navy is a national concern, and therefore the nation should pay its fair portion of the expenses for the support of this school. The apprenticeship system on board merchants' vessels, provided Congress will pass a general law to regulate naval apprentices, as already suggested, appears to your committee the most efficient plan that can be devised to form a nursery for seamen ; *but* instead of inflicting a *penalty* on the owners of vessels in case they do not or cannot obtain boys from their parents or guardians, Congress ought, in justice, to patronise the system, at least for the present, by offering a *bounty* for every apprentice who is employed on board a vessel, as an inducement and remuneration to the owners and masters to seek for boys throughout the country, and to clothe and support them whilst serving out their time. The burden imposed upon the shipping interest already is as much as it can bear, and the profits, in proportion to the capital invested in ships, are perhaps less than in any other branch of trade—it would consequently be unfair to levy any fresh taxes upon vessels, however specious the object, and especially in the present case, where the benefit to be conferred is a national one.

Your committee, in conclusion, would observe that they look for no benefits to result from the mere passage of the *bill* now before Congress,

and unless the alterations they have suggested are made, they think it would be better to *omit* any special legislation for the present.

ANDREW FOSTER,
Chairman.

NEW YORK, May 16, 1836.

BOSTON, May 20, 1836.

SIR: The Boston Chamber of Commerce have received the communication which you have addressed to them, under date of the 5th instant, together with a copy of the bill, now pending before Congress, for the employment of boys in the merchant service of the United States; and have appointed us a committee to state, in compliance with your request, their views upon this subject.

We fully appreciate the importance of increasing the number of native seamen, and will readily concur in the adoption of any measure that will conduce to this result, if they are not of a nature to be too burdensome to the commercial interest. The main object is, we presume, to afford all necessary and proper facilities to those who may be disposed to engage in nautical pursuits, and enter the merchant service. The provisions of the bill under consideration seem to be sufficient for this purpose, but should, we think, be so modified as not to make it imperative upon masters or owners of vessels to take boys unless they offer their services, or application is made by parents, guardians, or some person duly authorized to have them received on board.

It is well known that a large number of ships are constantly employed in the freighting business; these ships are mostly owned in the Middle and Eastern States, whence they go to Charleston, Savannah, Mobile, New Orleans, and other Southern ports, in pursuit of employment. In these ports the crews originally shipped at the Eastward almost always desert, induced by the temptation of higher wages and the roving habits of seamen; and when a freight is engaged and the vessel ready to depart, a new crew must be obtained; the difficulty, not to say impossibility, of sometimes obtaining the requisite number of boys in Southern ports must, we think, be apparent; and it would be extremely onerous and unjust, under such circumstances, to refuse the ship a clearance, or subject the master or owners to a fine.

With these views, we venture to suggest the expediency of adding another section to the bill, providing in substance, "that when any vessel, of the description named in the first section, shall be about to depart on a foreign voyage, and shall not have on board the number of boys required by this act, if the master or owners shall state this fact to the collector of the port from which the vessel is to clear, and shall at the same time declare their readiness to receive and employ the requisite number of boys, it shall be the duty of the collector to furnish such boys, or to permit the vessel to clear and depart with such crew as may be on board, without incurring the penalties of this law."

We further recommend that it be made the duty of each collector to give public notice that he will receive and register every application that may be made to him by parents, guardians, or others, to obtain situations

on board merchant vessels for boys, and that such registers be kept open for the inspection of those who may require the services of such boys.

With these and such other modifications as experience may show to be necessary, the law may, we think, prove salutary and useful.

We are, sir, with great respect,

Your obedient servants,

HENRY LEE,
WM. STURGIS,
THO. B. CURTIS,
Committee.

Hon. R. H. GOLDSBOROUGH, *Washington.*